

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: FEB 28 2020

Sergio Calderon Lara, *et al.*,

Plaintiffs,

—v—

Knollwood Road Delicatessen Inc., *et al.*,

Defendants.

19-cv-9996 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

Plaintiffs filed their Complaint on October 29, 2019. Dkt. No. 1. Pursuant to Rule 4(m), Plaintiffs were required to serve all Defendants on or before January 27, 2020. As of this date, the Court is not in receipt of proof of service as to Defendants Gerard Fletcher and John Doe Corp. d/b/a G & J Deli. Accordingly, by March 6, 2020, Plaintiffs shall file proof of service on these Defendants, a status update regarding service, or a notice of voluntary dismissal for these Defendants pursuant to Federal Rule of Civil Procedure 41(a).

Furthermore, according to the affidavits of service filed on February 4, 2020, the answers or other responses to the Complaint for Defendants Knollwood Road Delicatessen Inc., Timothy Fletcher, Karmen Doe, and Gamel C Saleh were due on or before either December 18, 2019 or January 3, 2020. Dkt. Nos. 16-19. As of this date, the Court is not in receipt of answers from these Defendants.

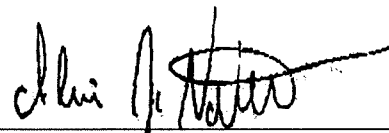
Within two weeks of this order, Plaintiffs shall seek a certificate of default and move for default judgment against Defendants Knollwood Road Delicatessen Inc., Timothy Fletcher, Karmen Doe, and Gamel C Saleh, pursuant to this Court's Individual Practices in Civil Cases, or

file a status update with the Court explaining why a motion for default judgment against these Defendants should not be filed at this time. Plaintiffs are on notice that failure to do so by this date may result in their claims being dismissed with prejudice for failure to prosecute. *See United States ex rel. Drake v. Norden Systems*, 375 F.3d 248, 250 (2d Cir. 2004) (noting “a district judge’s authority to dismiss actions based on a plaintiff’s failure to prosecute”).

Additionally, Plaintiffs must serve this order on all Defendants and file affidavits of service on ECF by March 6, 2020.

SO ORDERED.

Dated: February **28**, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", is written over a horizontal line.

ALISON J. NATHAN
United States District Judge